

REMARKS

Claims 1-106 are pending in the application.

Claims 1-106 stand rejected.

Claims 2 and 24 have been amended.

Claims 1, 3-11, 17-18, 23, 25-28, 33-41, and 67-68 have been cancelled.

Rejection of Claims under 35 U.S.C. § 112

Claims 14 and 47 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Office Action states that “[t]he Applicant fails to recite that the relay program can create a network connection as entered in the amendment of claim 12 ‘said first communications program creates said second network connection.’” Office Action, p.5. Applicants respectfully traverse this rejection.

The Office Action suggests that the Application as originally filed does not support a communications program that both performs a relay function between a first and second network connection and can create the second network connection. Applicants respectfully submit that the Application as originally filed does discuss communications programs, identified as protocol daemons, that provide both the function of relaying information through them as well as creating a connection to another program or entity on the network. *See, e.g.*, Application, pp. 10-11 & Fig. 3 (wherein step 340 is the relaying of data between connections to the server and the relay, and step 320 is the creation of a connection to the relay program by the protocol daemon). A person of ordinary skill in the art would know that such functionality is not restricted to just a communications program found within a firewall, but could also be found in communications programs located on the “dirty” side of the firewall.

For at least the above reasons, Applicants submit that the Examiner's rejections under 35 U.S.C. § 112 para. 1 have been responded to and traversed, and therefore request that those same rejections be withdrawn.

Rejection of Claims under 35 U.S.C. §102

Claims 1-106 stand rejected under 35 U.S.C. §102(e) as being anticipated by Crichton *et al.*, U.S. Patent No. 6,104,716 (Crichton). Applicants respectfully traverse this rejection.

The present Final Office Action for the first time uses the Crichton reference to reject as anticipated all of the Application's claims. As this is the first opportunity for Applicants to respond to these rejections, Applicants request that the Examiner reconsider the rejections in light of the following arguments.

Crichton Requires a Middle Proxy. The Crichton reference envisions communicating between programs otherwise protected by a firewall through the creation of a "tunnel" formed by two end proxies and a middle proxy that resides outside of the firewall(s). Crichton makes no disclosure of a solution that does not include the middle proxy, and admits that "[t]he middle proxy ... is a key feature of the invention." Crichton 4:51-53 (emphasis added). Thus, Crichton provides no enabling disclosure of a "tunnel" that does not include the middle proxy, and cannot be said to anticipate any claims that do not include a middle proxy. At least Claims 19, 50, 73, 77, and 81, and their associated dependent claims, have no analog to Crichton's middle proxy.

Claims 29-32 and Claims 103-106. The present Office Action rejects these claims under Crichton alone, unlike the previous Office Action (dated Sept. 17, 2003) which presented obviousness arguments for Claims 29-32 using the Coley reference (U.S. Patent No. 5,862,014) with Crichton. In response to the previous Office Action, Applicant traversed the combination of

references, showing that it was inappropriate to combine the two references to cover all the limitations of the presented claims, and also presented Claims 103-106.

The present Office Action now suggests that Crichton alone contains all the limitations of these claims, whereas previously Coley was necessary to contribute at least the limitations of “providing a first instance of a password to said first communications program” and “providing a second instance of said password to said second program” found in Claim 29 (and 103). But the Office Action fails to cite any instance of a password being provided to either a first or second communications program. The broad swaths of text cited in the Office Action do not disclose providing passwords or performing the claimed operations on those passwords (i.e., “passing”, “associating”, “sending”, “entering”, or “matching”).

Crichton discloses some aspects of a “Lightweight Secure Tunneling Protocol (LSTP),” which includes exchanging certain information between the disclosed proxies. *See* Crichton 6:44-7:38. None of this information is suggested by Crichton to be a password. Further, there is no disclosure of this information being initially provided to the end proxies. Also, Crichton only discloses this information as it relates to the end proxies and the middle proxy, there is no suggestion that any other type of program can be given this information as is contemplated by Claims 29 and 103.

Claims 12, 42, and 54. These claims (and their dependencies) all include a first program creating a network connection to a first communications program through a firewall program, wherein that network connection is initiated by the first program. Crichton does not disclose a method or system in which a program directly communicates through a firewall with an outside communications program without an end proxy between the program and the firewall. The Office Action cites a section of Crichton in which an unsuccessful attempt to communicate

through a firewall (*see* Crichton, Fig. 3) is described, and therefore does not present an implementation that would anticipate these claims.

Claims 2, 13, 20, 24, 55, 70, 76, and 89. These claims all suggest a combination of at least a program, a communications program, and a firewall program to be executed on a first computer system. Applicants respectfully submit that the cited sections of Crichton make no such disclosure. Those sections either state that the invention is broader than the preferred embodiments, or that the server, client, and proxies could run on different types of platforms, *i.e.*, Unix workstations or PCs. Crichton does not state that they could all run on the same computer system.

Claims 69 and 71. These claims, and their dependencies, suggest a second, *inbound* network connection to the first program that is not contemplated by Crichton. Crichton does not disclose inbound connections to a program protected by a firewall.

Claims 85, 91 and 97. These claims, and their dependencies, require a first protocol daemon that creates first and second network connections, wherein the first network connection is in-bound to a first program and the second is out-bound from the protocol daemon to a first communications program through a first firewall. Similarly, these claims require a second protocol daemon that creates third and fourth network connections, wherein the third network connection is in-bound to a second program and the fourth network connection is outbound to the first communications program through a second firewall.

For the sake of this analysis, Applicants will assume that the Examiner equates the Crichton end proxies with the claimed protocol daemons, although Applicants maintain that such an analogy is not appropriate because Crichton's end proxies do not perform the same tasks as the claimed protocol daemons. Crichton fails to disclose these claims, however, because it does


not show the proxies initiating the connection to both of the programs at each end. *See, e.g.*, Crichton 5:17-19 (“The X-client 222 can now initiate a connection to and passes data to the client end proxy....”); *see also* Crichton 5:33-37; Crichton 8:12-14 (“If the end proxy is a client end proxy ... the proxy waits for the local client application to connect in function block 712.”). Crichton is not meant to operate in the manner claimed because the goal is for the client and server side applications to operate as if the tunnel were not present. *See* Crichton 5:37-41.

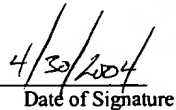
For the reasons set forth above, Applicants respectfully submit that the claims not canceled herein are in condition for allowance and request the Examiner’s reconsideration of the final rejection.

CONCLUSION

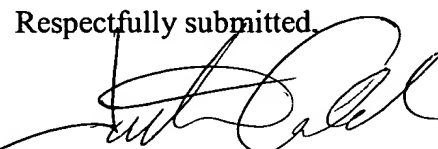
In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 30, 2004.


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Date of Signature

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